

Declaration Filed After Final Rejection

The Applicant has filed a declaration under 37 CFR 1.132. Said declaration is an actuarial opinion by Tom Bakos FSA MAAA as to the interchangeability of the phrases "cash value" and "current market value" in step i of claim 42, said claim being read in light of the Specification. Bakos further states that "substitution of the phrase 'current market value' for the phrase 'cash value' into claim 42 would not change the meaning of said claim in any meaningful way to a person of ordinary skill in the art".

The Applicant respectfully requests that said declaration be admitted under 37 CFR 1.116(e) for the following good and sufficient reasons.

The Examiner has stated that amended claim 42 "may be allowable over Nilssen, Grippo and Ridge..." (Advisory Action dated 29 December 2005) but has nonetheless refused to enter amended claim 42 and has further rejected current claim 42 for a second time.

In the appeal brief, the Applicant would like to provide persuasive arguments that current claim 42 and amended claim 42 mean the same thing. Thus, if amended claim 42 is allowable over Nilssen, Grippo and Ridge, then current claim 42 is also allowable. The declaration by Bakos will provide evidence to support said arguments.

The declaration was not presented earlier since it was not needed until the Examiner issued the Advisory Action of 29 December 2005.

entered 4-20-2006
Matthew D. [Signature]